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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

SPR10150P00050USUS

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on May 19, 2009Signature Corinne BykTyped or printed Corinne Byk
name

Application Number

10/560,541

Filed

May 25, 2006

First Named Inventor

Nhut Xan Phung

Art Unit

2161

Examiner

Ajith, Jacob

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96) attorney or agent of record.
Registration number 32,273 attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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Serial No. 10/560,541
SPR10150P00050US
PATENT

STATEMENT FOR PRE-APPEAL REQUEST FOR REVIEW

Claims 1-33 are rejected as anticipated by Fries et al. (Fries) U.S. Patent No. 6,460,029. The clear error in the rejection is the inaccurate and vague suggestions of the teachings of Fries, and the cross-referencing of the same relative to the claims.

Claim 1 specifies a method for searching a plurality of machine-readable information sources, said method comprising the steps of: mapping a search string to a plurality of search terms, wherein each said search term is a preferred term for searching at least one of said plurality of machine-readable information sources; indicating which of said plurality of machine-readable information sources each of said search terms is a preferred term for; and searching at least one of said indicated machine-readable information sources using respective preferred search terms.

Particularly, Claim 1 recites that each of the search terms is a preferred term for searching at least one the plurality of machine-readable information sources. This is illustrated in Fig. 10

The screenshot displays the USE interface with the following details:

- Original Subject:** intestinal obstruction
- Suggested Synonyms and Related Subjects:**
 - 1010: Intestinal Obstruction **UMLS** **MeSH**
 - 1020: Ileus **MeSH** **EMTREE**
 - 1030: Unspecified intestinal obstruction **ICD9**
 INTESTINE, OBSTRUCTION **EMTREE**
 bowel obstruction
 Ileus of bowel **UMLS**
 Ileus of intestine **UMLS**
- Fields To Search In:** All Fields
- Hint:** For subject heading searches on MEDLINE, ensure at least one synonym with the "MeSH" icon is selected to obtain best results.
- Alternatives if above terms are unsuitable:**
 - 1. Intestinal Pseudo-Obstruction (REPLACE)
 - 2. Other intestinal obstruction (REPLACE)
 - 3. Strangulated BOWEL OBSTRUCTION (REPLACE)
 - 4. Other specified intestinal obstruction (REPLACE)
 - 5. CHRONIC INTESTINAL PSEUDO-OBSTRUCTION (REPLACE)
 - 6. Intestinal obstruction without mention of hemia (REPLACE)
 - 7. Intestinal obstruction without mention of hemia (REPLACE)
 - 8. Mural thickening of intestine causing obstruction (REPLACE)

where preferred terms 1020 are identified with particular information sources. Fig. 10 illustrates mapping the search string “intestinal obstruction” 1010 to the plurality of preferred search terms 1020. Furthermore, independent claim 1 includes the step of indicating machine-readable information sources each of the search terms is a preferred term for. In Fig. 10, these are the stylized terms to the right of the search terms 1020. Still further, independent claim 1 includes the step of searching the indicated machine-readable information sources using respective preferred search terms. These are searched by selecting desired boxes in Fig. 10, producing the results shown in Fig. 11, for example.

An anticipation rejection requires that a single prior art reference disclose each and every element of the claim, arranged as in the claim. Fries does not anticipate claim 1.

Fries, while also directed to searching, uses an unrelated methodology. This methodology is intended to assist the user in improving text of a search query, such as by accessing previous searches. There is no mapping of a search string to preferred terms as is recited in claim 1.

In rejecting claim 1 the examiner simply restated claim 1 and added parenthetical cross references to passages in Fries without any explanation as to how the indicated passages disclose the claim limitations. Instead, the action provides a vague summary of each passage, having nothing to do with the relevant claim limitation. In so doing, the examiner ignores the deficiencies of Fries previously noted by applicant. Applicant addresses the deficiencies in the rejection with respect to each limitation below.

Claim 1 recites that a search string is **mapped** to a plurality of search terms, wherein each search term is a **preferred term** for searching at least one of a plurality of **machine-readable**

information sources. The action does not identify any mapping in Fries. With respect to preferred terms the action references this passage:

Column 8, lines 49-59:

FIG. 7B provides an alternative search solicitation display to that shown in FIG. 7A. In FIG. 7B, a pull-down text box 250 is provided to accept and display the users search text. Pull-down text box 250, includes a pull-down activation arrow 251 that causes a pull-down window 252 to be displayed when activated. Pull-down window 252 displays a selectable list of past search queries entered by the user and allows the user to select a past search query by highlighting it. Typically, past search queries are stored in Registry 222 of FIG. 2. However, they may be stored in any suitable memory location.

This passage does not reference preferred terms, as used in claim 1, but rather past search terms entered by the user. With respect to a plurality of machine readable information sources the action references this passage:

Column 2, lines 10-17:

Embodiments of the present invention also include retrieving a free text search query from a user and generating a logical search query from the free text search query. The constructed logical search query includes at least one logical operator that describes the relationship between two input terms in the user's free text query. The logical operator is constructed based on the parts of speech of the two input terms.

There is no discussion in this passage of any term being a **preferred term for a machine-readable information source.** This passage relates to generating a logical search query from a free text query **retrieved from a user.** In particular, the constructed logical search query includes at least one logical operator that describes the relationship between two input terms in the user's free text query. The "plurality of search terms" in Fries comprises input terms in a user's free text query. Clearly, Fries does not disclose or even suggest that the "plurality of search terms" are **preferred terms** for searching at least one of a plurality of machine-readable information sources. Accordingly, claim 1 is not anticipated by Fries.

Further, claim 1 recites indicating the machine-readable information sources each of the search terms is a preferred term for. As stated by the Examiner, the passage at column 11, lines 1-12 in Fries relates to related term matching with markers. The passage reads as follows:

PLURAL 530 provides a plural form of the term if appropriate and INFLECTED FORMS 532 provides any inflected forms of the term, separated from each other by commas. NLP BITS 534 provides semantic markers that indicate semantic information about the term. Examples of such markers include: "+tme" for terms related to time, "+city" for terms identifying a city, "+nme" for a person's name, "+neg" for a term providing a negative meaning, "+vulgar" for vulgar terms, and "+food" for terms related to food. The list above is only provided as an example and those skilled in the art will recognize that other markers are possible.

The examples provided in Fries match terms to other terms (e.g., "+food" for terms related to food"). The fact that terms "match" has nothing to do with **indicating a machine-readable source**. This passage has nothing to do with "sources", let alone machine-readable sources. A term is not a machine-readable source. Accordingly, claim 1 is not anticipated by Fries for this reason as well.

Further, claim 1 recites searching indicated machine-readable information sources using respective preferred search terms. The passage cited by the Examiner at column 11, lines 41-48 of Fries relates to identifying possible search topics using keywords, as follows:

In step 328 of FIG. 8, the original search query, the keywords found in step 324 and their associated NLP bits are used to identify possible search topics. These search topics represent broad categories of information that the search query appears to be directed toward. The process of identifying these categories is shown in greater detail in the flow diagram of FIG. 13.

This passage fails to discuss or even suggest searching any machine-readable information sources **using respective preferred search terms**. Identifying search topics has nothing to do with this claim limitation. Nor does the action provide any explanation as to how it might be related. The fact that a search may be conducted after related words are found has relevance only to the general concept of performing a search. This statement in the action ignores the

context of the various limitations in claim 1 as to how the search is performed. Accordingly, claim 1 is not anticipated by Fries for his reason as well.

It is abundantly clear that Fries does not anticipate claim 1. In fact Fries is wholly unrelated to claim 1. Fries disclosed system for improving search text has nothing to do with a method of searching a plurality of machine-readable information sources, as in claim 1. The reliance on Fries, based on vague references to various elements of Fries, does not support the rejection and amounts to clear error.

Claims 2-11 depend from claim 1 and are not anticipated for the same reasons. Claim 12 is an apparatus claim including limitations related to those in claim 1. The action relies on the rejection of claim 1. Claim 12 and its dependent claims 13-22 are not anticipated. Claim 23 is a computer program product claim including limitations related to those in claim 1. The action relies on the rejection of claim 1. Claim 23 and its dependent claims 24-33 are not anticipated.

Claims 9, 20 and 31 are also rejected as obvious, principally based on Fries. The secondary reference, Turtle et al. U.S. Patent No. 5,418,948 is cited for disclosing a medical database. Turtle does not disclose the deficiencies of Fries.